

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(a)	
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<i>Counsel to EPC Services Company</i>	
In re:	Chapter 11
Powin, LLC, <i>et al.</i> , ¹	Case No. 25-16137 (MBK)
Debtors.	Judge: Michael B. Kaplan
	(Jointly Administered)

OBJECTION OF EPC SERVICES COMPANY TO NOTICE OF POTENTIALLY ASSUMED EXECUTORY CONTRACTS AND UNEXPIRED LEASES (DOCKET #446)

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: (i) Powin Project LLC [1583], (ii) Powin, LLC [0504], (iii) PEOS Holdings, LLC [5476], (iv) Powin China Holdings 1, LLC [1422], (v) Powin China Holdings 2, LLC [9713], (vi) Charger Holdings, LLC [5241], (vii) Powin Energy Ontario Storage, LLC [8348], (viii) Powin Energy Operating Holdings, LLC [2495], (ix) Powin Energy Operating, LLC [6487]. The Debtors' mailing address is 20550 SW 115th Avenue Tualatin, OR 97062.

EPC Services Company (“EPC”), a creditor and party in interest, by and through its undersigned counsel, hereby files this *Objection to Notice of Potentially Assumed Executory Contracts and Unexpired Leases* (Docket 446, the “*Cure Notice*”) and in support thereof respectfully states as follows:

OBJECTION TO PROPOSED CURE

1. EPC is an electrical contractor on a large, industrial-scale lithium-ion battery energy storage system (“**BESS**”) project owned and operated by Poblano Energy Storage, LLC (“Poblano Owner”).
2. Poblano Owner and Debtor Powin, LLC (“Debtor”) were originally parties to an Energy System Supply Agreement dated as of April 17, 2023 (“ESSA”). The ESSA is identified in the Cure Notice as having a \$0.00 cure cost.
3. On November 3, 2023, Poblano Owner assigned the ESSA to EPC pursuant to a Consent and Assignment Agreement of the same date (“Assignment Agreement”). The Debtor consented to the Assignment Agreement.
4. EPC objects to the \$0.00 cure the Debtor proposes as to the ESSA. As a result of various of the Debtor’s defaults under the ESSA, as well as other potential claims against the Debtor, the Debtor is indebted to EPC for damage claims believed to exceed \$1,000,000.
5. EPC’s damages, which must be cured as a condition of assumption or assignment of the ESSA under Bankruptcy Code section 365(b), are as follows (and will be proven at any hearing on any proposed assumption and assignment of the ESSA):
 - a. Costs to discharge mechanic’s and/or other liens and/or resolve claims of alleged, unpaid subcontractors/suppliers of Debtor (the validity of which are in dispute); and

b. Potentially incomplete or deficient warranty and/or other work performed in accordance with the ESSA.

6. EPC reserves the right to dispute FlexGen's ability to provide adequate assurance of future performance.

7. EPC reserves all of its rights, claims and causes of action under the ESSA and its ancillary documents, as well as any/all potential common law, statutory, and/or other claims.

WHEREFORE, EPC respectfully requests that the Court sustain this Objection to the Cure Notice with respect to the ESSA.

Date: July 25, 2025

/s/ Jennifer R. Hoover
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Counsel to EPC Services Company

CERTIFICATE OF SERVICE

I, Jennifer R. Hoover, hereby certify that the *Objection of EPC Services Company to Notice of Potentially Assumed Executory Contracts and Unexpired Leases (Docket #446)* was filed and served on July 25, 2025 via CM/ECF on all parties registered to receive notice in this case.

/s/ Jennifer R. Hoover
Jennifer R. Hoover (NJ No. 026502001)